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GARY FARRAR,

Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT

**EASTERN DISTRICT OF CALIFORNIA
(Sacramento Division)**

In re

ANTHONY K. MORA, SR. and
DENISE F. MORA,

Debtors.

Case No. 09-45016-A-7

DC No.: HSM-007

Date: February 1, 2010

Time: 9:00 a.m.

Place: 501 I Street
Sacramento, CA
Ctrm. 28, 7th Flr.

Judge: Michael S. McManus

**MOTION TO ABANDON PROPERTY OF THE ESTATE LOCATED AT
136 & 138 SPRUCE AVENUE, GALT, CALIFORNIA**

GARY FARRAR, the Chapter 7 Trustee herein ("Trustee"), moves this court for authority to abandon the estate's interest in real property of the estate located at and commonly known as 136 & 138 Spruce Avenue, Galt, California (the "Property"). The Trustee's motion to abandon the Property (the "Motion") is made pursuant to 11 U.S.C. § 554(a) because the Property is of inconsequential value or benefit to the estate and is otherwise burdensome to the administration of this case. In support of the Motion, the Trustee respectfully represents as follows:

1. ANTHONY K. MORA, SR. and DENISE F. MORA, the Debtors herein ("Debtors"), filed their voluntary petition under Chapter 7 of the Bankruptcy Code on November 16, 2009. The Trustee was appointed Chapter 7 Trustee on that date.

2. Jurisdiction for the filing of this motion exists pursuant to 28 U.S.C. § 157 and 1334; 11 U.S.C. § 554(a); and the reference to this court by the District Court for the Eastern District of California.

3. In their Schedule A, filed December 8, 2009, the Debtors listed the Property as having a value of \$200,000.00. In their Schedule D, filed December 8, 2009, the Debtors listed \$382,000.00 in claims secured by deeds of trust recorded against the Property.

4. On January 8, 2010, Bank of America, NA ("Bank of America") filed a Motion for Relief From the Automatic Stay [PD-3] (the "Motion for Relief") with respect to the Property so that it could exercise its rights under state law, including foreclosure. Bank of America's Motion for Relief argues that relief from the automatic stay is appropriate for cause, and because of the Debtors' lack of equity in the Property. The hearing on Bank of America's Motion for Relief is scheduled for February 16, 2010.

5. Pursuant to 11 U.S.C. § 554(a), after notice and a hearing, the Trustee "...may abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate."

6. The Trustee has investigated the Property through internet research, review of the Debtors' Schedules, and review of the Motion for Relief. Based upon his investigation and experience as a Chapter 7 Trustee, the Trustee believes that the liens encumbering the Property exceed its value, there is no realizable equity in the Property, and it is therefore of inconsequential value and benefit to the estate.

7. Further, the Property is or may be burdensome to the estate due to potential security, maintenance and insurance costs, other potential risks faced by the estate through continued ownership of the Property, and the possible negative tax consequences to the estate from a foreclosure of the Bank of America Deed of Trust against the Property.

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1 **WHEREFORE**, the Trustee respectfully requests that the Court order that the Property
2 be abandoned.

3 Dated: January 15, 2010

HEFNER, STARK & MAROIS, LLP

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5 By



Aaron A. Avery, Proposed Attorneys for
GARY FARRAR, Chapter 7 Trustee